

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

HERBERT JOHNSON,

Plaintiff,

v.

Case No: 6:18-cv-608-JA-LHP

EAST COAST WAFFLES,

Defendant

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**ORDER**

(And Direction to Clerk of Court)

This cause came on for consideration without oral argument on the following motion filed herein:

**MOTION: UNOPPOSED MOTION FOR LEAVE TO DEPOSE  
INCARCERATED NON-PARTY WITNESS AL-JALIL  
BYRD (Doc. No. 101)**

**FILED: April 19, 2023**

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**THEREON it is ORDERED that the motion is GRANTED.**

Defendant seeks leave of Court for the parties to conduct the deposition of a non-party witness who is incarcerated, Al-Jalil Byrd. Doc. No. 101. Plaintiff does not oppose. *Id.* at 3. Upon consideration, the Court finds the request well taken.

See Fed. R. Civ. P. 30(A)(2)(B). See also *Aviation Concepts, Inc. v. Starr Indem. & Liab. Co.*, No. 19-60513-CIV, 2019 WL 7708456, at \*1 (S.D. Fla. Nov. 27, 2019) (“The Court . . . should permit the deposition of an incarcerated individual unless an objecting party can show why the deposition is impermissible under [Fed. R. Civ. P. 26(b)(1),(2)].”).

Accordingly, the Motion (Doc. No. 101) is **GRANTED**, and the parties may take the deposition of Al-Jalil Byrd at a date and time agreed to by the parties. Counsel shall coordinate the deposition with the officials at Al-Jalil Byrd’s place of incarceration.

Although Defendant’s Motion (Doc. No. 101) was docketed as *ex parte*, there is no apparent reason for the *ex parte* designation. Accordingly, the Clerk of Court is **DIRECTED** to remove the *ex parte* designation from the Motion (Doc. No. 101) and this Order, and to ensure that this Order is sent to counsel of record.

**DONE and ORDERED** in Orlando, Florida on April 24, 2023.

  
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LESLIE HOFFMAN PRICE  
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

Counsel of Record  
Unrepresented Parties